

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-9 and 11 will be pending. By this amendment, claims 1-9 and 11 have been amended. No new matter has been added.

§101 Rejection of Claims 1-9

In Section 1 of the Office Action, claims 1-9 stand rejected under 35 U.S.C. §101, because the claimed invention is directed to non-statutory subject matter. Claims 1-9 have been amended to address the rejection, as per a conservation between Applicant's representative and the Examiner on April 15, 2005.

Accordingly, it is submitted that the rejection of claims 9 and 11 based upon 35 U.S.C. §101 has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§102 Rejection of Claims 9 and 11

In Section 2 of the Office Action, claims 9 and 11 stand rejected under 35 U.S.C. §112, for failing to comply with the written description requirement. Claims 9 and 11 have been amended to clarify the meaning of the terms in the claims, such that they are supported by the specification. Specifically, claims 9 and 11 have been amended to read "when the stored module is not a current version." As stated in the Office Action, "[s]upport is found in the specification of the steps being performed when the stored module is not a current version." *April 21, 2005 Office Action, page 2.*

Accordingly, it is submitted that the rejection of claims 9 and 11 based upon 35 U.S.C. §112, first paragraph has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-9 and 11 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as Originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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